

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF VIRGINIA
Abingdon Division

-----x
: UNITED STATES OF AMERICA, :
: :
: Plaintiff, :
: :
v. : 1:07CR29
: :
PURDUE FREDERICK COMPANY, et al., :
: :
Defendant. : Abingdon, Virginia
: July 20, 2007
-----x 1:00 p.m.

SENTENCING
BEFORE THE HONORABLE JAMES P. JONES
CHIEF UNITED STATES DISTRICT JUDGE

APPEARANCES:

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Counsel for the Defendant Goldenheim.

1 (Proceedings commenced at 1:00 p.m.)

2 THE COURT: Good afternoon, ladies and
3 gentlemen. The clerk will call the case.

4 THE CLERK: *United States of America v. The*
5 *Purdue Federick Company, Incorporated, and others,*
6 Case Number 1:07CR29.

7 THE COURT: This is the date scheduled for
8 sentencing. I want to first verify from defense
9 counsel that the defendants and their counsel have
10 read and discussed the pre-sentence reports. So, if
11 each counsel would confirm that to me?

12 MR. SHAPIRO: Yes, Your Honor, on behalf of
13 the Purdue Federick Company we have. Thank you.

14 MR. POMERANTZ: Your Honor, I'm Mark
15 Pomerantz. On behalf of Michael Friedman we have
16 received the pre-sentence report. I've reviewed it,
17 I reviewed it with Dr. Friedman, and we have no
18 objections to it.

19 MS. WHITE: Your Honor, Maryjo White for
20 Udell. We also received the pre-sentence report,
21 reviewed it, and we have no objections to it.

22 MR. GOOD: Your Honor, my name is Andrew
23 Good. I represent Dr. Paul Goldenheim. We've
24 received and read the report.

25 THE COURT: Thank you, very much. The

1 court has previously announced it would allow persons
2 to speak to the court, and a number of people have
3 signed up to speak. And what I'd like to do now is
4 to allow the persons who have signed up to speak, and
5 the process will be as I call their names, if they'll
6 come forward and speak directly to me at the lectern.

7 A number of people have signed up to speak, and
8 so in order to make sure that everybody gets an
9 opportunity to speak to me, I'm going to ask that you
10 limit your comments to two minutes. I'll ask
11 Mrs. Cook, the clerk, to indicate when that time is
12 up. I'll call these persons in alphabetical order as
13 I have them.

14 The first person I have is Teresa Ashcraft.
15 Yes, ma'am, if you'll just come forward. Let me say,
16 also, I have received a number of letters, and many
17 of those who have signed up to speak have also
18 written me, and I have read every letter that has
19 been sent to me. And so I want to make sure
20 everybody understands that.

21 So, yes, ma'am, Ms. Ashcraft.

22 MS. ASHCRAFT: I'm a little nervous, Your
23 Honor. Thank you for allowing me to speak. My name
24 is Teresa Ashcraft. I come from a small town in
25 DeBary, Florida. On September 23, 2001 my son,

1 Robert Lee Ashcraft, Jr. died from an accidental
2 overdose of OxyContin. I refer to it as heroin in a
3 pill. He was only 19 years old. He left behind a
4 brother who was only 16 at the time.

5 He got his OxyContin because of Purdue's
6 criminal actions. The OxyContin that took my son's
7 life came from a prescription that was given to a
8 mother who must have been so high that she didn't
9 realize that her son was taking her drug into the
10 neighborhood and selling it to the local teens.

11 All deaths are related to a prescription from
12 somewhere which, in turn, came from the lies that
13 Purdue has told the American people.

14 The amount of money that Purdue is being asked
15 to pay is pennies. Let us not forget that Purdue has
16 made over \$10,000,000,000 from OxyContin. Let us not
17 forget how over the years Purdue Pharma has bragged
18 on how many lawsuits they have won, how they would
19 say that our children were addicts, that we as
20 parents needed to take the responsibility.

21 Our children were not addicts; they were just
22 your typical teenagers. Purdue, you knew the truth,
23 you started phony drug awareness programs, so please
24 don't sit there and claim you didn't know.

25 The actions of Purdue have not only take the,

1 the life of my son, but the aftermath has slowly
2 taken the life of his little brother. No, it's not
3 from drugs, but it's from the depression and the
4 guilt and the devastation it has caused him and our
5 family. His pain some days is so unbearable it
6 scares me. My husband and I worry every day about
7 each other and our families.

8 The actions of the three criminals have affected
9 so many lives, and it doesn't go away. We have been
10 given the life sentence due to their lies and their
11 greed.

12 THE COURT: Thank you, very much, ma'am.
13 Paul and Wanda Begley.

14 MR. BEGLEY: I want to thank the court for
15 allowing us to do this today. My wife's not going to
16 speak. We're here today to talk about the tragic
17 consequences of addiction through the drug,
18 OxyContin, which is readily available from drug
19 dealers on almost any street corner in our
20 neighborhood.

21 We lost our grandson, who was 21 years old, from
22 a drug overdose. I went to his bedroom to wake him,
23 and I couldn't get him awake. We started CPR, called
24 911. He died at the hospital at 2:00 p.m. on June 8,
25 2006.

1 Josh was an outstanding young man, never in
2 trouble. He excelled in sports. He won a football
3 scholarship to the University of Virginia at Wise.
4 He did something that most kids who play football
5 never do. He won the state, all state title in
6 Virginia and Tennessee, because he finished his
7 senior year in Tennessee, and he also won the state
8 shot put championship.

9 Unfortunately, Josh will never finish college.
10 His dreams will never be realized. They'll go
11 forever unrealized. Your children are special, your
12 grandchildren are special, but when you raise your
13 grandchildren, they're extra special, and we raised
14 Josh from the age of five. So, we used to go to his
15 football games and cheer him on. Now we go to his
16 grave and weep. Thank you.

17 THE COURT: Thank you, sir. Edward Bisch,
18 is it?

19 MR. BISCH: Thank you, Your Honor. My name
20 is Ed Bisch. The first time I heard the word
21 OxyContin, my 18 year old honor student son was dead
22 from it after taking it at a party.

23 I started a website to warn kids about this
24 drug. Soon Purdue contacted me. I told Purdue that
25 a lot of death and addiction stories I am getting

1 through my website were from patients. Their
2 response was less than one percent of patients get
3 addicted, which was a lie. They also said there was
4 a study where if a patient is not receiving a high
5 enough dose, they will exhibit all symptoms of an
6 addict. All they really need is a higher dose.

7 The sales force also used this story on doctors,
8 but they did not even know the whole theory was based
9 on a single patient.

10 Patients easily wean off OxyContin, I was told.
11 Another lie. I have met the three criminals before.
12 I was at the first Congressional hearing on
13 OxyContin. There it came out that Purdue knew of all
14 the top prescribing doctors, even those who went off
15 the charts, when asked at the time that they did not
16 report these top prescribers they took the Fifth
17 Amendment.

18 At a later trial the Purdue lawyer responded to
19 this same question that Purdue was under no legal
20 obligation to report these top prescribers. Where
21 was your moral obligation?

22 This corporate policy insured millions of pills
23 would reach the streets. By the way, Purdue referred
24 to these doctors as whales, but I call them pill mill
25 doctors.

1 For these three men to claim it was only a few
2 rogue individuals guilty of crimes is ludicrous.
3 Purdue painted themselves as champions of chronic
4 pain patients. I'm sure you will hear from some
5 today with severe injuries which warrant Oxys, and
6 you'll also hear from so called pain experts who
7 Purdue funds, but the fact was Purdue spent hundreds
8 of millions of dollars on marketing this heroin like
9 drug for moderate pain. Two hundred million, alone,
10 was spent in 2001, the year my son died.

11 In the summer of 2001 OxyContin was front page
12 news, and there was Congressional hearings scheduled
13 for the fall. By the way, Purdue was denying this
14 epidemic existed. I was optimistic something
15 concrete would be done to stop the death and
16 destruction that this epidemic was causing.
17 Unfortunately, on 9/11/01 everything changed and the
18 OxyContin was no longer a priority, understandably
19 so.

20 THE COURT: Excuse me, Mr. Bisch.
21 Mr. Bisch? Mr. Bisch, let me interrupt you. I
22 really want to give everybody a chance. If you'll
23 just sum up now.

24 MR. BISCH: On 9/12/01 they sent out
25 company-wide voice mail stating since the terrorists

1 had taken Oxy out of the headlines, let's get to the
2 top prescribers and push the Oxy. The lies and
3 deceits started at the top and caused to ruin
4 countless lives. Please do not allow this plea
5 bargain to proceed. These criminals deserve jail
6 time.

7 THE COURT: Thank you, sir. Victor Del
8 Regno.

9 MR. DEL REGNO: Thank you, Your Honor. I
10 will go to my grave believing with every fiber of my
11 body that my son, Andrew, would be alive today if
12 OxyContin wasn't illegally marketed and misbranded,
13 and therefore made so readily available on the
14 college campuses, in our high schools, and on the
15 streets. And to you, James W. Heins, if you are in
16 the courtroom, you are quoted in today's *Providence*
17 *Journal*, today's lead cover story, I quote, "We do
18 not believe that our promotion of OxyContin to health
19 care professionals has resulted in injury to anyone."
20 Yet, Mr. Heins, in the *Roanoke Times* there's a quote
21 that Purdue top three officers pleaded guilty to
22 charges of over promoting OxyContin.

23 Our son was a great kid. He was in college. He
24 was at St. Michael's College. He was a junior. We
25 were close, we're a close family. He was planning on

1 going to Italy for his spring semester, Your Honor.
2 We spoke to him the night before he died. Everything
3 was fine. He went out with some friends. He made a
4 mistake, we know that. He took OxyContin with some
5 alcohol. He didn't wake up.

6 When the State Policeman came to our house the
7 next morning he said, "Your son had died." I said,
8 "What? No, not Andrew. Car accident?" They said,
9 "No, drug overdose." So, when they talk about these
10 kids and make these statements that they make bad
11 decisions because they're bad people, I think they
12 better evaluate a little further. We told him we
13 loved him before he died and thank God we had that.

14 I would like to ask Mr. Friedman, Mr. Udell and
15 Mr. Goldenheim what if it was your son or daughter
16 you saw in the morgue when we went there and he was
17 autopsied, sliced and diced? Then what would they do
18 if they were confronted by donor people with just
19 minutes to make a decision, they wanted his skin and
20 his bones. Well, we had him skinned, and he was
21 cremated. I know you received the letter, so I won't
22 go over with it. I would, with the court's
23 permission, just one paragraph that a detective wrote
24 after 15 months.

25 THE COURT: All right. You may read that.

1 MR. DEL REGNO: "I began this investigation
2 not knowing anything about Andrew. Now that the
3 investigation has concluded I feel in a way I have
4 come to know Andrew quite well, and know what kind of
5 person he was. I found that he comes from a very
6 supportive and caring family who loved him dearly. I
7 found that every person he came into contact with he
8 touched in some way. I found that those who had the
9 pleasure of knowing him knew that he was caring and
10 committed to his friends and family. He was someone
11 that if you met just once you would always remember."

12 Closing comment. Oh, yes, our son did make a
13 bad decision by his own choice, and it cost him his
14 life. What should it really cost each of you for
15 your bad decisions and choices? I know if the roles
16 were reversed, Your Honor, and those three men were
17 standing where I am right now, and it was their loved
18 one who had died from fraudulent marketing of a
19 lethal drug, they, you, those men would want more
20 punishment than a company check being written to pay
21 a fine. You would want true justice to be served.

22 THE COURT: Peter Jackson.

23 MR. JACKSON: Thank you, Your Honor, for
24 the opportunity to address the court in this
25 proceeding. My name is Peter W. Jackson, and my wife

1 and I reside in Arlington Heights, Illinois where we
2 have raised one boy and one girl.

3 On August 18, 2006 our daughter, Emily, only 18
4 years of age, three days from her first day in
5 college, was killed accidentally when she consumed
6 OxyContin that had been prescribed for a relative.

7 Emily was not an experienced drug user, and all
8 it took was one encounter with this drug. She had no
9 chance to learn from this one time experience. Had
10 she any idea how deadly this heroin-like drug was,
11 she would still be alive.

12 Emily's tragedy can be traced to the aggressive
13 and dishonest marketing campaign of Purdue Pharma
14 that began when the drug was first put on the market
15 in 1996.

16 Purdue chose to expand the use of OxyContin for
17 profit, in spite of possessing the knowledge that
18 OxyContin was prone to abuse, addiction and death.

19 Given its widespread distribution in the years
20 that followed, and the resultant ready access to the
21 drug, teenagers across the country soon became aware
22 of the drug's heroin-like high and how to circumvent
23 the time release mechanism. Oxys became a household
24 word in the vernacular of our young people, who too
25 often make the assumption that any drug that has been

1 FDA approved and prescribed by a doctor is safe.
2 They have no idea how lethal this drug is. Purdue
3 Pharma knew.

4 In light of the plea agreement for the three
5 executives for Purdue Pharma, brings me to ask this
6 question: Why does a person in this country who
7 gives someone, by giving them OxyContin in prison
8 would get off under the plea agreements by simply
9 paying the fine for what was an intentional crime
10 that resulted in, directly and indirectly, in
11 thousands of deaths and addictions?

12 I would like to close by telling you a few
13 things about our daughter, and I'll make it short.
14 She was a bright, funny, artistic, loving friendly,
15 compassionate person who cared more about the people
16 around her than herself. She suffered from thyroid
17 cancer and went through three major surgeries in her
18 last four years of life. Nonetheless, she supported
19 the people around her who she cared more about. Her
20 sweet disposition gave meaning and life to family and
21 friends. We could not be more proud of our daughter.

22 The three executives of Purdue Pharma who are
23 defendants in this proceeding deserve to be punished
24 severely for what they have done. They marketed this
25 drug to the American public as though it was safe.

1 And they knew better. Thank you, Your Honor.

2 THE COURT: Thank you, sir. Larry Golbom.

3 MR. GOLBOM: Thank you, sir. Larry Golbom.

4 Many people in this courtroom have lost their loved
5 ones because of OxyContin being implicated in their
6 lives. My wife and I grieve for these families. It
7 appears our son may have the same, may have a
8 terminal illness of addiction which started with
9 oxycodone.

10 Before these three men started peddling
11 oxycodone in 1995 few people had heard of it. My
12 wife and I will never know if our lives would be
13 different if the actions of those three men would
14 have been different.

15 Sir, I know you have seen a diagram of OxyContin
16 and heroin. I sent it to you. Sir, if it quacks
17 like a duck it is a duck. If it smells like a skunk,
18 it is a skunk.

19 Today this venue is not to talk about the
20 personal responsibility of my son and the other
21 children; today is not the venue to talk about the
22 personal responsibility of my wife and I as parents;
23 today is not even the venue to ask why our government
24 has allowed such a dangerous drug to remain on the
25 market; today I am here to talk about the personal

1 responsibility of the three executives in this
2 courtroom.

3 You have seen the diagram and proof before you.
4 The three of them were part of a coordinated and
5 ingenious effort to unleash a drug that is chemically
6 similar to heroin. I hope that your actions today
7 will help us stop the lies surrounding the drug
8 OxyContin.

9 As a pharmacist, I can stand before any one of
10 the Purdue experts or attorneys and explain the half
11 truths and mistruths surrounding the drug. It is not
12 a miracle drug as these three executives paid so many
13 people to tell you.

14 But most importantly, even though this case of
15 misbranding ends in 2001, these executives brazenly
16 continued to market the drug OxyContin aggressively
17 after 2001. The number of so-called experts who have
18 either been paid directly or indirectly by this
19 company to expound upon the virtue of the drug that
20 is addicting and killing thousands is shameful.

21 The selling and marketing of OxyContin continues
22 today, just not as blatantly and misleadingly as in
23 2001 and before.

24 The people who are taking the drugs and
25 expounding the attributes of OxyContin are also

1 unfortunately possibly addicted to the drug, and at
2 the very least must plead for the drug to prevent
3 violent withdrawal from the effects of oxycodone.
4 That may sound like a callous statement, but the
5 total truth about this drug must be told. Today,
6 sir, you have a chance to save many people. Thank
7 you.

8 THE COURT: Thank you, sir. Gary Harney.

9 MR. HARNEY: Thank you, Judge. Gary
10 Harney. I lost my son August 20th. I'm from
11 Sarasota, Florida, and in Manatee County we lost
12 about 1,700 that year.

13 I want to talk about Dr. Frederick -- not
14 Frederick, Dr. Friedman. Dr. Friedman isn't a
15 medical doctor. He has his Ph.D. in sales and
16 marketing. He's an expert in sales, and he's an
17 expert in marketing. He's a regular P.T. Barnum. He
18 has got this drug across this country. We in Florida
19 are swamped with it. Lives are being destroyed. And
20 as the person in front of me so eloquently said, they
21 have not stopped their marketing of the way it was.
22 They're still marketing it.

23 This trial is nothing more than a play on chess.
24 It's just another move. They haven't changed a
25 thing. They're working it just as hard as ever.

1 They're going to take money out of the checkbook, pay
2 it, keep going.

3 We're having deaths every day down there in
4 Florida. Three a day on just Oxy, five a day on
5 prescription drugs. I kind of wish it was manatees
6 washing up on the beach because maybe we'd get a lot
7 more attention. But that amount of people that are
8 dying, the sheer numbers show a total lack of
9 responsibility from that company, and I hope they
10 never have to feel that type of pain because it's
11 never ending. Thank you.

12 THE COURT: Thank you, sir. Kenny Keith.

13 MR. KEITH: Your Honor, I have nothing
14 written down here. I thank you for allowing me to
15 come. I am a blessed person because I am one of the
16 patients who got addicted to OxyContin, who lived
17 through it. I was given it for chronic pain, which I
18 still have. My doctors thought that it was right,
19 and because of the information they had been given.

20 It took very little time for me to be addicted
21 to this drug because whenever I tried to stop it the
22 withdrawals were worse than the pain that I was
23 having. It took me over two and a half to three
24 years to get off this drug.

25 I kept getting more from the doctor. The

1 doctors would give them to me, but I could get more
2 off the street, and it was to match what I needed to
3 take because of the addiction I had.

4 Your Honor, I had a family, I had a home, I had
5 motorcycles, I had a car. Those are worldly
6 possessions, except for my family, but Your Honor, I
7 lost all of that because I spent every cent of our
8 family's money on it, including my daughter's
9 Christmas money, the last thing that happened. My
10 wife left me and took my daughter, rightly so,
11 because I was a man and I was an animal out of
12 control.

13 It took me still after that a month or two that
14 I had to do something right, and finally I figured I
15 had nothing to live for, and I just wanted to die.
16 And I tried to commit suicide because I knew I could
17 not get off the OxyContin without the horrible pain
18 of withdrawals. And if anyone says it's not, they're
19 a liar.

20 Thank you. One little thing more, sir. I went
21 through a program, drug court in Roanoke, Virginia.
22 I was arrested for the first time, and at 48 years
23 old, and I went through that process, and now I'm
24 clean, and I'm taking non-narcotic medicines for my
25 pain. And you can live through it, but very few do.

1 Thank you, sir.

2 THE COURT: Thank you, sir. Lynn Locascio.

3 MS. LOCASCIO: Thank you, Judge. My name
4 is Lynn Locascio. I'm from Palm Harbor, Florida. I
5 should be at work today, but I'm here. My 22 year
6 old son is a recovering Oxy addict.

7 Michael Friedman, Howard Udell, Paul Goldenheim,
8 you are responsible for my son's life being trashed.
9 He should be a firefighter right now, and he should
10 be a paramedic right now, and he's not. He had a car
11 accident, he had surgery, he was prescribed
12 OxyContin. When he became addicted the doctor
13 dropped him. The doctor was not educated enough
14 about this.

15 Gentlemen, you are responsible for a modern day
16 plague. It is killing our children every day. Every
17 day. On Sunday before we made our journey to come up
18 here, we had a reporter come to my house, she did a
19 great story. The next day I went to work, the very
20 first e-mail I got was this: "My son committed
21 suicide on June 23, 2007 from this terrible
22 addiction. He purchased \$800 worth of OxyContin the
23 night before his death from the streets. Kids are
24 getting prescriptions for this drug and selling them
25 for \$50 a pill. I want to know what I can do to get

1 this off the streets. My son was 24 years old. My
2 only child. He shot himself because he couldn't get
3 off the drugs. He spent \$5,500 in five weeks on
4 these drugs in Pinellas County, Florida."

5 This lady's heart is broken, and will be
6 forever. We refuse to suffer in silence, and to be
7 told our beloved children are not victims. We are
8 parents that placed our children in proper child
9 safety seats, parents that read labels on toys to
10 make sure they were age appropriate, parents that
11 participated in the Just Say No to Drugs campaign --
12 by the way, mine graduated that with honors and
13 received an award from the Sheriff's Department -- it
14 didn't work ten years later because of your drug.

15 I could go on and on. I do want to say one
16 thing. I think jail is too good for you guys. I
17 think you should go spend some time in a rehab
18 facility like my son did and watch that. Maybe
19 you'll change your minds. Thank you.

20 THE COURT: Thank you ma'am. Leona Nuss.

21 MS. NUSS: Thank you, Your Honor. Thank
22 you for allowing me to be here. My name is Leona
23 Nuss. I live in Palm Coast, Florida. On May 1, the
24 year 2003, my husband and I lost our only child, an
25 18 year old son named Randall. The cause of his

1 death was an accidental overdose of OxyContin.

2 Your Honor, right before this happened to my son
3 he was getting ready to go to college. His college
4 was paid for. Four months after he graduated he had
5 an overdose of this OxyContin. His pre-paid college
6 ended up paying for his funeral.

7 For me to conceive Randall it took 11 years with
8 the help of modern technology and miracle drugs. How
9 ironic can life be that 18 years later Purdue dumped
10 OxyContin as their miracle drug and it took my son's
11 life.

12 I feel, I feel that you are illegal drug users,
13 nothing more than a large corporate drug cartel. You
14 created this drug, you promoted it, you pushed it,
15 you lied about it, you even had the ex-mayor of New
16 York City defend it. You have killed and continue to
17 kill our future of tomorrow. You killed my son, and
18 many others, and continue to do so as I speak.

19 OxyContin has caused addiction, crimes,
20 destruction of families and the ultimate, death. You
21 and your drug, OxyContin, have caused legal genocide
22 in this country. Illegal drug pushers get jail time,
23 and so should you.

24 Your Honor, please reject the plea agreement.
25 Money means nothing to them. Let the punishment fit

1 the crime.

2 And one more thing, Your Honor, this is the
3 remains of my son, Randall. This is from your drug,
4 OxyContin, and here he is in this courtroom, which I
5 thank you, Your Honor, because he was put out of the
6 courtroom in the year 2005 at Karen White's trial
7 against Purdue Pharma. They made my son, in this
8 little jar, Your Honor, leave the courtroom and go
9 out of the building, or they were going to call for a
10 mistrial. And I had wrote in my son's book, "You
11 weren't there in body, but you were there in spirit,
12 and you will return." And here he is. Thank you.

13 THE COURT: Thank you, ma'am. Robert
14 Palmisano.

15 MR. PALMISANO: Thank you for letting me
16 speak, Your Honor. My name is Robert Palmisano, and
17 I'm an addict. At least I am now, or I have to say I
18 am when I go to meetings. I'm a recovering addict.
19 I'm 17 months clean.

20 OxyContin destroyed my life. I was prescribed,
21 and I almost died. I was prescribed the drugs from
22 approximately 19 to 21 years old. I was doctor
23 shopping to get more of the drug once I got addicted
24 because I couldn't get enough. I was taking it for
25 physical pain, emotional pain, and for fun. It

1 wasn't worth it.

2 I got charged with possession and doctor
3 shopping of the drug. I was sentenced to a year in
4 county jail. I was still hooked on the drugs when I
5 got sentenced. I was given no medical treatment in
6 there, and I withdrew for about 45 days. I did not
7 sleep for ten of those days. I was miserable. I
8 wished I had a weapon; I would have killed myself. I
9 would not want to go through that misery again, ever.
10 That's why I am recovering.

11 I think it would be ridiculous to see a slap on
12 the wrist and a misdemeanor charge in a plea
13 agreement for money. Money can't buy all the lives
14 that were lost, nor the years of my life that I have
15 lost back. They have tons of it. Money doesn't make
16 you a person, and you can't get respect for it,
17 either.

18 I have no respect for those three executives
19 there at all. It's a cop out, and I would be
20 absolutely appalled to see them walk away with a
21 misdemeanor crime and a fine. That's all, Your
22 Honor.

23 THE COURT: Thank you, sir. Joanne
24 Peterson.

25 MS. PETERSON: Good afternoon, Your Honor.

1 Thank you for allowing us the opportunity for our
2 voices to be heard today. My name is Joanne
3 Peterson, and I'm from Massachusetts. I'm standing
4 to speak for 400 strong in our group in the southern
5 part of Massachusetts. Some of them are here today
6 outside, families who grieve for the sons and
7 daughters, families are, are trying to save their
8 sons and daughters, families who will lose their sons
9 and daughters. It is not over. We all grieve for
10 the losing of the future they were meant to have.

11 A tsunami hit our state in 2001 in the form of a
12 little white pill. Thank you. There was no warning,
13 no defense, and it snuffed out lives, destroyed
14 families, and today it continues. Just in the past
15 two weeks two young men and one young woman have been
16 buried, and we've had to deal with that, and it just
17 continues daily. The fourth funeral was today in
18 Massachusetts, and that family today is grieving, and
19 they're in the beginning of the pain that was
20 suffered by the other families you're hearing from.
21 All in their twenties, all gone.

22 Every Monday I've had a support meeting in
23 Massachusetts, and every Monday there's new
24 heartbroken mothers and fathers coming to our
25 meeting, desperately seeking help for their children.

1 Some are as young as 15 years old. In 28 communities
2 a year long investigation from death certificates
3 revealed from January, '04 through August of '06, 74
4 people lost their lives, but the numbers are even
5 higher than that. These are just the reported cases.
6 Shame and stigma prevent families from speaking out
7 about it like myself.

8 Irresponsible corporate greed led to horrific
9 pain and loss that affects generations to come. It
10 leads to millions in costs. Every one has paid a
11 price for greed.

12 I'm here in honor of Mikey today, my friend,
13 Carol's, son. No parent should have to find their
14 child barely breathing. No parent should have to
15 bury their child. My son today is a survivor. He
16 has two years clean. But his life will never be the
17 same, nor will my family's, my younger children.

18 To be sentenced to pay pennies for people's
19 lives doesn't fit the crime. We feel you should be
20 sentenced to work in a detox and deal with the
21 families as they are turned away because there are no
22 more beds available because they're all full, or you
23 should have to attend the wakes that I have to attend
24 all the time, and that wouldn't be enough. The price
25 is too high. God love my son, God bless my son, and

1 God bless my family and ever person in this
2 courtroom. Thank you.

3 THE COURT: Julie Rinaldi.

4 MS. RINALDI: Thank you for letting us
5 speak today. My name is Julie Rinaldi. I'm from
6 Tampa, Florida. I lost my only child, my daughter,
7 Sarah. She was 17. She died June 30, 2006, just a
8 little over a year ago. I'm just here as a mom, a
9 mom that will never be called Grandma, I'll never see
10 my daughter walk down the aisle. I didn't even get
11 to see my daughter graduate high school. She died of
12 an accidental overdose of OxyContin.

13 We're losing kids in Florida daily. Our drive
14 up here yesterday, we got a phone call, lost another
15 19 year old girl a couple of days ago due to
16 OxyContin.

17 I just want to see Purdue Pharma be held
18 accountable for their actions. Nobody is being held
19 responsible for anything these days, and whatever you
20 decide to do I know it will be the right thing. But
21 I just wanted to come here and tell you my story
22 about my daughter. Thank you.

23 THE COURT: Thank you, ma'am. Marianne
24 Skolek.

25 MS. SKOLEK: Thank you, Your Honor. My

1 name is Marianne Skolek. I had a beautiful 29 year
2 old daughter named Jill who had the misfortune of
3 being prescribed OxyContin in January, 2002 and being
4 killed in April of 2002. She left behind her son,
5 Brian, who was six years old at the time of her
6 death. Brian is here in the courtroom with me today
7 because he needed to see that bad things do happen to
8 bad people.

9 My initial research on Purdue Pharma began four
10 and a half years ago, and focused on David Haddox,
11 dentist turned psychiatrist and Senior Medical
12 Director of Purdue Pharma, as well as Robin Hogan,
13 former P.R. spokesman for Purdue Pharma.

14 Unfortunately they were not charged for their
15 involvement in the criminal activities of OxyContin.

16 Pain patients from pain societies will speak of
17 the merits of OxyContin and their quality of life
18 being restored. These pain societies throughout the
19 country are funded by Purdue Pharma. Let the pain
20 patient not part of any pain society funded by Purdue
21 Pharma speak about the quality of their life after
22 they become addicted by this less than addictive drug
23 and have to go out on the street and purchase it.

24 I would like to know why the FDA allowed
25 OxyContin to cause such destruction to victims, why

1 12 warning letters were sent to the FDA about their
2 marketing of the drug, and to this day they are not
3 required to put addictive or highly addictive on the
4 label of the drug. I just want to know why Attorney
5 General Blumenthal of Connecticut's citizen petition
6 which requests strengthened warnings on the OxyContin
7 label as a result of their investigation has been
8 sitting at the FDA without any action since 2004. I
9 wanted to know how Rudy Giuliani could be hired by
10 Purdue Pharma to play down the abuse of OxyContin and
11 also get paid by the DEA.

12 I will be working to have Paul (sic) Udell
13 disbarred for his activities, and I will also be
14 working that the three criminals not being able to
15 work in the pharmaceutical industry again because
16 they are criminals who criminally marketed OxyContin.
17 I will accomplish this. Do not doubt me in being
18 successful in achieving this.

19 I will reach out to any organization that
20 Mr. Friedman speaks to about having a member of his
21 family survive the Holocaust, and contact that group
22 and say to them that Friedman is no better than
23 Adolph Hitler who killed and destroyed countless
24 lives; Hitler through death and torture, Friedman
25 through death and addiction.

1 I would like to thank U.S. Attorney Brownlee and
2 all that were involved in this long process of
3 proving Purdue Pharma guilty, and these criminals
4 guilty. In particular, I would like to thank a very
5 special person who knows who he is for never letting
6 us down. Her name was Jill Carol Skolek. Purdue
7 will never forget the name Jill Carol Skolek. The
8 criminal activities of Friedman, Udell, Goldenheim,
9 Haddox and Hogan are absolute monsters in every sense
10 of the word. Jill was all about good; they are all
11 about sheer evil.

12 THE COURT: Thank you, ma'am. Edward
13 Swain.

14 MR. SWAIN: Judge Jones, I appreciate the
15 opportunity to speak before you today. My name is Ed
16 Swain. I speak on behalf of myself and my wife, who
17 his a board certified family practitioner, who is now
18 in federal prison incarcerated in Alderson, West
19 Virginia. She prescribed OxyContin before the
20 horrific publicity on the drug. Purdue
21 representatives stressed that OxyContin time release
22 formulation provided -- sir?

23 THE COURT: Sir, let me interrupt you.
24 It's a little hard for me to hear you. If you'll
25 speak right up to that microphone, and relax. You

1 don't need to -- you just tell me your story.

2 MR. SWAIN: I'm sorry, sir. Purdue
3 represented OxyContin as the ideal drugs for
4 treatment of chronic pain; safe, and effective, and
5 unabusable. They flooded doctors' offices with
6 graphs and charts to prove it, placed full page ads
7 in every medical journal. Purdue reps lied to these
8 physicians when they claimed that OxyContin was
9 specifically formulated to prevent the possibility of
10 abuse. OxyContin's actually the most dangerous drug
11 ever approved for use in the United States.
12 OxyContin is the only drug ever approved by FDA for
13 the treatment of pain which can kill a normal,
14 healthy adult with just one pill.

15 Purdue physicians who prescribed this product
16 and the enormity of the crimes correlated directly
17 with the astronomical profits. They did not only
18 sell their souls, but also the souls of thousands of
19 unsuspecting patients who are forever scarred. These
20 crimes committed by them will last for generations.

21 It's ironic that prosecutors who demanded prison
22 time for physicians who were duped by Purdue and
23 their reps, and their reps misrepresented to those
24 physicians who prescribed OxyContin in good faith,
25 are now asking the court for only a slap on the wrist

1 for the men who created the whole OxyContin hoax.

2 Your Honor, we urge you to reject the plea
3 agreement and hold accountable for criminal
4 prosecution these Purdue executives who are men
5 without honor, and are motivated solely by greed.

6 THE COURT: Thank you, sir.

7 MR. SWAIN: Thank you, Your Honor.

8 THE COURT: Donnie Trent.

9 MR. TRENT: Thank you, Your Honor, for
10 letting me speak today. I'm a grateful recovering
11 addict, recovering from OxyContin. I've been in
12 recovery for approximately a year and a half. First
13 time I -- I never will forget the first time I tried
14 OxyContin. I was at Fort Bragg, North Carolina,
15 stationed there. And it's safe to say I was hooked
16 right from the very beginning, the first time I tried
17 it, the whole euphoria, the feeling of it, and
18 everything; and two, I will never forget the first
19 day I went into withdrawals from not having OxyContin
20 in my system, just like it was yesterday. I
21 struggled with addiction to OxyContin for a period of
22 five years, in and out of detoxes, trying to get off
23 the drug, and actually went through a treatment
24 center for about ten months before I was able to
25 actually establish some kind of recovery.

1 I had lost all hope. I had lost all
2 self-respect, all my values. I lost my family's
3 trust, and I was spiritually dead due to the drug
4 OxyContin.

5 But I am grateful to say today that I am in
6 recovery. But, you know, the drug, itself, has
7 changed so many lives, and it's hurt so many people
8 and so many families, and I just can't see that there
9 can be any amount of money or dollar sign that could
10 be compared for the loss. And just probation or
11 community service, I don't see how that can be
12 accountable for their actions, and how they misled
13 doctors and the public.

14 And also, too, you know, if there is some kind
15 of -- the monies, you would think it would be
16 important for some of the monies that are going to be
17 paid, if they are, would go toward treatment because
18 jails are not the answer to addiction. Treatment is
19 the answer to addiction. And otherwise, I just thank
20 you for your time.

21 THE COURT: Thank you, sir. Barbara Van
22 Rooyan.

23 MS. VAN ROOYAN: Hello, Your Honor. Thank
24 you for allowing me to be here today. My husband and
25 I have come from California to be here today because

1 my son, Patrick Stuart, had his life cut short at age
2 24 with just one OxyContin. And you heard previously
3 from a gentleman about a healthy, normal individual
4 losing their life to one OxyContin. My son was
5 another example of that.

6 You know from my letter that he was a San Diego
7 State University graduate. He was an artist, and he
8 was a certified personal trainer. What I learned
9 after Patrick's death about OxyContin and Purdue
10 shocked and sickened me, enough that almost every day
11 for a year I wasn't sure I wanted to be alive. But I
12 got up, and two months after Patrick's death I went
13 back to work because, as a college counselor, I knew
14 that I had a platform, a platform for educating
15 others about the dangers of OxyContin, and about the
16 life taking campaign of deception that Purdue Pharma
17 has engaged in.

18 I told Patrick's story in classrooms, in
19 auditoriums, in meeting rooms and at college fairs.
20 I talked to thousands of people between the ages of
21 16 and 90. We have a student as old as 90. And
22 because I was a counselor, and because I was willing
23 to talk about Patrick's story, people responded to me
24 with their own tragic OxyContin stories, or those of
25 a friend or relative.

1 Purdue would like you to believe that those who
2 died or become addicted have only themselves to
3 blame. But here's what I learned firsthand from
4 talking to thousands of students. Many, many, many
5 people were routinely being prescribed OxyContin for
6 minor to moderate pain from minor sports injuries,
7 removal of skin cancers, wisdom teeth, arthritis and
8 bursitis, and I heard that people put their trust in
9 their doctors, and these same doctors put their trust
10 in Purdue Pharma's drug dealers. And I mean drug
11 dealers who were, as they've admitted, lying to the
12 doctors.

13 The result of that broken trust has been
14 addiction and/or death. It doesn't take a smart
15 person to figure out where the blame lies. It lies
16 on the shoulders of the people who put a narcotic
17 strong enough to kill with just one pill into
18 hundreds of thousands of medicine cabinets across the
19 nation and the continent. For this they're being
20 fined.

21 There is no justice that can atone for Patrick's
22 death or all the other deaths. I am here today not
23 just for justice, but to help to protect future
24 victims, and a fine is not enough to insure that
25 protection. The message needs to be sent that money

1 cannot be made by taking or destroying lives. I
2 don't know what it will take, exactly, to get that
3 message across. I am trusting that you will know the
4 right thing to do. A fine, alone, will not send the
5 message that can prevent future victims.

6 THE COURT: Thank you, ma'am. Kirk Van
7 Rooyan.

8 MR. VAN ROOYAN: Your Honor, I appreciate
9 the opportunity to speak today. My comments today
10 will be made as a physician, as a consultant to the
11 Medical Board of California. Even though it had no
12 proper clinical data documenting OxyContin's
13 indications and line of toxicity, Purdue's marketing
14 practices purposely violated the essential medical
15 principle of no treatment without a specific
16 scientific diagnosis.

17 It unconscionably promoted the drug as safe for
18 chronic moderate pain of all types. In fact,
19 targeted physicians with less expertise in pain
20 management. The result was a tremendous volume of
21 legitimately prescribed but improperly directed
22 OxyContin, inevitably followed by substantial
23 diversion and abuse, and substantial reports of
24 adverse side effects, addictions and deaths.
25 Purdue's response to these highly troubling events

1 should have been ethical and professional. Instead,
2 it has been a highly organized and financed campaign
3 of deception. In the face of overwhelming
4 documentation to the contrary, Purdue has arrogantly
5 and feloniously maintained the validity of their
6 shotgun approach to chronic pain as a disease unto
7 itself; that the addiction and deaths is due to
8 illicit, not prescription, use of OxyContin.

9 They claim chemical reformulation is a daunting
10 task and a minor issue, and taking a pill every 12
11 hours instead of every four somehow eliminates break
12 through pain.

13 A substantial number, as you've heard today, of
14 the persons harmed by OxyContin were responsible,
15 productive, law abiding individuals who did nothing
16 wrong except trust their physicians or their friends'
17 reassurances that it was a safe prescription drug.

18 The OxyContin issue is not mutually exclusive.
19 You will hear, undoubtedly, from patients today who
20 have benefitted from the drug. There is an
21 appropriate medical use for the drug, and we here
22 praise the positive outcomes, but only in the proper
23 medical situation. That's an important
24 consideration.

25 As a medical professional, Your Honor, I am

1 demeaned and outraged by the disrespect for medical
2 ethics and science so wilfully and repeatedly
3 demonstrated by these men.

4 As a citizen I cannot agree that monetary
5 sanctions without incarceration, parole or community
6 service is a punishment consistent with their crimes.
7 But most important, as a physician committed to the
8 relief of suffering, I am appalled at the harm -- and
9 yes, Mr. Heins, there was harm -- the individual
10 devastation and heartache that these men have
11 perpetrated on so many in this court today, and
12 throughout the country.

13 THE COURT: Thank you, sir. Ed Vanicky.

14 MR. VANICKY: Afternoon, Your Honor. Thank
15 you for allowing me the opportunity this afternoon to
16 address the court.

17 My wife was involved in an auto accident in
18 January of 2000. Among her injuries she was
19 diagnosed with a herniated disc. After referral to a
20 pain management physician in late February, 2000 she
21 was prescribed OxyContin. A drug as powerful as
22 OxyContin never should have been prescribed for that
23 type of injury. Although she complained about the
24 side effects of the OxyContin, itching and shortness
25 of breath, the doctor convinced her the OxyContin was

1 necessary for treatment, and subsequently increased
2 her dosage from ten milligrams to 20, and then
3 finally 40 milligrams. He was writing prescriptions
4 for her to take the OxyContin every six to eight
5 hours, and also giving her oxycodone for break
6 through pain.

7 I woke up to discover my wife unresponsive next
8 to me on the morning of January 27, 2000. After
9 repeated attempts myself using CPR, the emergency
10 technicians failed to resuscitate her. She was
11 pronounced at 5:55 a.m. She had been taking
12 OxyContin as prescribed for five months, and it
13 killed her.

14 Besides myself she left behind a daughter, two
15 sons and a granddaughter. I found out after her
16 death that this particular pain management physician
17 was one of the doctors initially targeted and
18 referred to as a whale by Purdue.

19 The emotional pain and suffering I've endured
20 since my wife's sudden death, and continue to
21 struggle with now, will never compare to the pain and
22 suffering my wife endured when she died as a direct
23 result of your drug, OxyContin. If anyone abused
24 anything it was this criminal organization, and these
25 three criminal defendants. They abused the

1 government's trust for their own monetary gain. They
2 abused the government's trust in an effort to get
3 OxyContin approved for sale. Once they had that
4 approval and OxyContin sales skyrocketed, along with
5 the death toll, they sat in their plush Stamford,
6 Connecticut offices watching the money roll in while
7 wives, husband, fathers and mothers are burying
8 citizens across this country.

9 As with all dishonest acts, it all catches up
10 with you. It has caught up with Purdue. Although we
11 are grateful these prayers have been answered, our
12 work is not done. This is a despicable company, and
13 they will be allowed to hawk OxyContin. I can
14 promise them we will continue to speak, and write our
15 elected national and state official, as well as law
16 enforcement on both levels, as well as call for
17 further investigations. Also we will continue to
18 petition the FDA to reclassify OxyContin and tighten
19 its restrictions for use. It should just be
20 prescribed for terminal severe medical conditions,
21 also.

22 In closing, we appreciate the fact that Purdue
23 Frederick Company will carry its conviction
24 permanently as part of the criminal record, but we
25 also pray that each and every one of these people

1 will be forever haunted by the victims of their many
2 crimes. When the end comes for each of you and you
3 stand before God to be judged, you better pray that
4 he forgives you because none of us ever will. Thank
5 you, very much.

6 THE COURT: Thank you, sir. Now, attorney
7 Russell Butler has filed a motion, and Mr. Butler, if
8 you wish to come forward and I will be glad to hear
9 you.

10 MR. BUTLER: May it please the court, my
11 name is Russell Butler, and I represent the victim
12 Jane Doe. And I thank you for allowing her to
13 maintain her name in privacy.

14 THE COURT: Yes, sir.

15 MR. BUTLER: But on behalf of my client we
16 have filed a motion under the Crime Victim Rights Act
17 to assert her right as a victim under federal law.

18 And I think it's clear, Your Honor, from what
19 we've set forth in our motion, and I know that Your
20 Honor does not have a lot of time so I will try to
21 not repeat, but we would ask the court to very
22 carefully look at all the legal arguments, and we
23 believe for those legal arguments the court, at least
24 at this point, should not accept the plea.

25 I believe that the law is very clear. I think

1 the defendants have admitted that as a condition of
2 probation this court has the ability to order
3 restitution against other persons. I think there are
4 other provisions of the Code that we've cited that
5 allows it to do that, as well. I don't think there's
6 any doubt under the statute that the statute requires
7 that in order for the corporate defendant, as they've
8 pled guilty, that they have, have intent to deceive
9 the public.

10 There are victims, these people who came before
11 Your Honor in two minutes, or a little more, and I'm
12 sure they're grateful for the court allowing them to
13 have a little additional time, have clearly stated it
14 was the intent to deceive in terms of the misbranding
15 this caused harm to a great number of people,
16 including my client.

17 Your Honor has her written victim impact
18 statement in her affidavit. I only wish she could be
19 here because she is now currently addicted, and she
20 believes after going through one course of treatment,
21 detoxification she's going to be okay. I'm not sure,
22 after hearing all these people, that that's even
23 going to be true.

24 Your Honor, we believe that the plea is not in
25 the interests of justice. Is the plea to punish,

1 protect, deter? I think Purdue Frederick, in
2 response to Blue Cross/Blue Shield said exactly what
3 the purpose of this plea is, and it is to provide
4 significant resources to federal and state
5 governments; \$600,000,000 from the corporate
6 defendant, 34.5 million dollars from the individual
7 defendants, only to have the state and federal
8 government have that money instead of the victims.

9 We've cited the statute that the court needs to
10 protect the interests of victims and not the monetary
11 sanctions that go to governments.

12 Your Honor, is there acceptance of
13 responsibility in this case? From my practice, I
14 represented criminal defendants, I talked to my
15 clients about mea culpa and what it meant to talk
16 from the heart and accept responsibility. Your
17 Honor, I think by the pleadings of the corporate
18 defendant and the individual defendants they have
19 clearly not accepted responsibility. They have
20 agreed to pay this money, it's in their corporate
21 interests, it's in their individual interests, but
22 they say there's no victims. Well, if there are no
23 victims then what are they? Casualties of corporate
24 greed? They say bring on the civil suits. These
25 people can't profit. We've got lots of money. This

1 is only -- the money we're giving is from the
2 proceeds of the periods of information. We have
3 plenty of money for selling OxyContin after that
4 time, and for other medications.

5 You know, to agree with their argument, the drug
6 laws that our Congress passed would be that they do
7 not protect the citizens, and of course the reason
8 for those drugs laws were to protect these citizens,
9 and all these people and my client have been harmed
10 by the actions of the individual and corporate
11 defendants.

12 They got tremendous plea offers from the
13 Government, misdemeanor offenses for the individual
14 defendants. You know, I heard these other people say
15 that, you know, this is payment, this is get out of
16 jail money, you know. You can hear the pain of these
17 victims, you can hear in my client's statement her
18 pain of being addicted, and what it was like to try
19 to get off of OxyContin. Clearly, my client has a
20 long row to hoe, but she does not have the money for
21 treatment. She's trying to get her family members to
22 borrow to be able to do this. I can only imagine,
23 unlike a lot of these people that have spoken before
24 you, I am glad that neither I nor my family have had
25 to deal with this drug.

1 But I will tell you, Your Honor, what rings loud
2 and clear to me is that the severity of the
3 punishment needs to fit the crime. It is a travesty
4 of justice if this court allows these individual
5 defendants not to be on probation. Think of the pain
6 of all these people who are suffering the
7 consequences of OxyContin, and they get off with
8 disgorgement of money that they benefitted as a
9 result of what they somewhat have admitted as their
10 wrongful conduct.

11 Is this plea fair to my client, Jane Doe? No.
12 She's been harmed by the statute. We have cited the
13 law. It may be fair to the defendants, it may be
14 fair to the Government, the state government, the
15 federal government for the money they get, but that
16 is not the standard of being in the interests of
17 justice.

18 So, Your Honor, on behalf of my client, we would
19 ask the court not to accept the plea, or modify the
20 plea, at least to the extent that the individual
21 victims of this drug are compensated, and not just
22 the state and federal government entities. And if
23 the court rejects it, this court, a jury will speak
24 and the defendants will have to suffer the
25 consequences of their conviction. If they really do

1 agree, they would agree to pay, and not, and make it
2 very clear that they plan to litigate, and litigate,
3 and litigate. One can only imagine the millions and
4 billions of dollars they have spent in attorneys'
5 fees, not in this case, but defending all these
6 cases.

7 Mea culpa, Your Honor, says we're wrong, we're
8 sorry for our wrong, we admit that we've harmed
9 people, and we're going to take action and not just
10 make a corporate decision to pay money so that the
11 corporation can go on and that the individual
12 defendants don't go to jail.

13 I would be happy to address the legal arguments
14 if the court would like, but my understanding is that
15 was not the purpose of this hearing.

16 THE COURT: Mr. Butler, I have read your
17 memorandum, and your pleadings, and thank you, very
18 much.

19 MR. BUTLER: Thank you, Your Honor. Have a
20 good day.

21 THE COURT: Now, other third parties have
22 filed pleadings in this case by counsel. I know
23 Mr. Bragg is local counsel. Is there anything else
24 those attorneys wish to say? I take it not. Now, as
25 I am advised the defendant, Purdue, would like to

1 present some witnesses, and I'll be glad to hear
2 those persons at this time.

3 MR. SHAPIRO: Thank you, Your Honor. Your
4 Honor, Purdue would call for purposes of the
5 sentencing hearing Mr. Dillie Walker to the stand,
6 please.

7 THE COURT: Mr. Walker, if you'd come
8 forward and face the clerk and be sworn, please.

9 DILLIE WALKER, DEFENDANT'S WITNESS, SWORN

10 DIRECT EXAMINATION

11 BY MR. SHAPIRO:

12 Q Mr. Walker, could you state your name clearly
13 and spell your last name for the record?

14 A Dillie R. Walker.

15 Q Where do you live, sir?

16 A Bay City, Michigan.

17 Q How old are you?

18 A I'm 48.

19 Q Did you serve in the military, Mr. Walker?

20 A Yes, sir.

21 Q And when was that?

22 A From 1976 to 1978.

23 Q After you were discharged from the military what
24 sort of job did you do?

25 A I became a tool and die maker apprentice.